

ESTTA Tracking number: **ESTTA369075**

Filing date: **09/20/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91195622
Party	Plaintiff Eleos Inc.
Correspondence Address	STEPHEN R BAIRD WINTHROP & WEINSTINE 225 SOUTH 6TH STREET, SUITE 225 MINNEAPOLIS, MN 55402 UNITED STATES sbaird@winthrop.com, kbrennan@winthrop.com, trademark@winthrop.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Daniel J. Kelly
Filer's e-mail	trademark@winthrop.com, bwalz@winthrop.com
Signature	/Daniel J. Kelly/
Date	09/20/2010
Attachments	MOTION FOR AN EXTENSION OF DISCOVERY.pdf (3 pages)(95642 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Ser. No.: 77/923,215
Filed: January 29, 2010
For the mark: AZEDRA
Published in the Trademark Official Gazette on June 15, 2010

Eleos Inc.,

Opposer,

v.

Opposition No. 91195622

Molecular Insight Pharmaceuticals, Inc.,

Applicant.

**MOTION FOR AN EXTENSION OF DISCOVERY AND TRIAL PERIODS
WITH CONSENT**

Pursuant to Fed. R. Civ. P. 6(b) and 37 C.F.R. 2.120(a), Eleos, Inc. ("Opposer") hereby moves the Trademark Trial and Appeal Board ("Board") for a 60-day extension to the discovery and testimony periods.

On September 17, 2010, Opposer and Molecular Insight Pharmaceuticals, Inc. ("Applicant") (collectively the "Parties") had the mandatory discovery conference. During the discovery conference the Parties discussed the possibility of settlement and need more time to determine whether settlement is a possibility. On September 17, 2009, Nicole Gage, counsel for Applicant, consented to the filing of this motion. This motion is not being filed for the purposes of delay. Therefore, the Parties respectfully request that the Board grant their Motion for an Extension of Discovery and Trial Periods with Consent and adopt the following schedule:

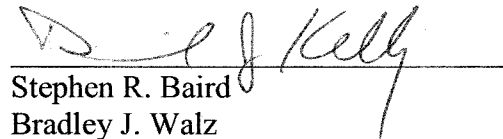
Discovery Opens	11/19/2010
Initial Disclosures Due	12/19/2010
Expert Disclosures Due	04/18/2011

Discovery Closes	05/18/2011
Plaintiff's Pretrial Disclosures	07/02/2011
Plaintiff's 30-day Trial Period Ends	08/16/2011
Defendant's Pretrial Disclosures	08/31/2011
Defendant's 30-day Trial Period Ends	10/15/2011
Plaintiff's Rebuttal Disclosures	10/30/2010
Plaintiff's 15-day Rebuttal Period Ends	11/29/2011

Respectfully submitted,

WINTHROP & WEINSTINE, P.A.

Dated: September 20, 2010



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ATTORNEYS FOR OPPOSER

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CERTIFICATE OF SERVICE BY MAIL

I, Andrea Eichrodt, state that on the 20th day of September, 2010, I mailed by United States mail, first class postage thereon prepaid, a true and correct copy of:

1. Motion for an Extension of Discovery and Trial Periods with Consent

in the above-captioned action to the following at the last known address, to-wit:

Nicole E. Gage
Foley & Lardner LLP
111 Huntington Ave.
Boston, MA 02199


Andrea Eichrodt